

## **REMARKS**

**[0003]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1 and 3-18 are presently pending. Claims 1, 4-9, and 18 are amended herein; no claims are withdrawn or cancelled herein; and no new claims are added herein.

### **Statement of Substance of Interview**

**[0004]** The Examiner graciously talked with me—the undersigned representative for the Applicant—on April 17, 2007. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

**[0005]** During the interview, the Examiner indicated that the 112 rejection could be withdrawn based on the arguments presented herein. In the agenda I prepared for the interview, I discussed how the claims differed from the cited art. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed clarifying amendments to claim 1.

**[0006]** The Examiner was receptive to the proposals, and I understood the Examiner to indicate that the proposed clarifying claim amendments appeared to distinguish claim 1 over the cited art of record. Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

[0007]

**Formal Request for an Interview**

[0008] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

**Claim Amendments and Additions**

[0010] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 4-9, and 18 herein.

## **Substantive Matters**

### **Claim Rejections under § 112**

[0011] Claim 1 is rejected under 35 U.S.C. § 112, 1st ¶, as failing to comply with the written description requirement. Applicant respectfully traverses this rejection.

[0012] The Office Action states that, "The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." Specifically, "The added limitation 'wherein the generating and transmitting are not performed when the portion of the image changed during the time period' cannot be found in the specification or drawings."

[0013] Applicant disagrees, based on the following:

[0014] "In an exemplary embodiment of the invention, a static image is encoded and transmitted at a lower than maximum quality and then the quality of the image or parts thereof is improved over time, ***if the image is indeed static.***" [Emphasis Added]. (*Application*, page 6, line 32 - page 7, line 1.) This statement clearly implies that if the image is not static, then the quality of the image or parts thereof is not improved over time.

[0015] Accordingly, Applicant respectfully requests that the 112 rejection be withdrawn.

### **Claim Rejections under § 103**

[0016] Claims 1 and 3-18 are rejected under 35 U.S.C. § 103. In light of the amendments presented herein and the decisions/agreements reached during the above-discussed Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant respectfully requests that the Examiner withdraw these rejections.

### **Conclusion**

[0017] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

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